

### **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claim 6, 13, 15, 16, 19, 21, 22, 25, and 26 are pending and stand rejected.

Claims 6, 15, 16 and 22 have been amended.

Claims 6, 15, 16, 21-22 and 25 stand rejected under 35 USC 101 for allegedly being directed to non-statutory subject matter as these claims when taken as a whole are directed to a mere program listing.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, claims 6, 15, 16 and 22 have been amended to recite that the computer system represents means for performing the subject matter steps recited in the claims.

Applicant submits that the claims, as amended, provide sufficient structural elements to overcome the rejection of the claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 6, 15, 16, 21-22 and 25 stand rejected under 35 USC 103(a) as being unpatentable over Vamparys (WO 01/15449) in view of Jacobi (USP no. 6,064,980) and Hendricks (USP no. 5,798,785). In maintaining the rejection of the claims, the Office Action refers to Figure 8 for showing that Vamparys discloses a plurality of weighted recommendations. The Office Action, on page 3 of the instant Final Office Action, refers to "figure 8, pages 17, lines 25-page 19, line 8 [for describing] components or sub blocks within a filtering engine, wherein the system comprises multiple filtering engines, each of which is adapted for a different type of programming category ... Accordingly, it is the filtering engine and not the matching engines that reads on the claimed classifier modules. Furthermore, each of the output of the filtering engines ... is also weighted with coefficients ... from which recommendations are built... Therefore, Vamparys

disclose generating weighted recommendations from a plurality of filtering engines, when modified in view of Hendricks and Jacobi teach[ing] the step of selecting a higher recommendation value."

The Office Action further states that the applicant has mischaracterized the teachings of the Vamparys reference in response to the rejection of the claims in the prior Office Action.

Applicant continues to respectfully disagrees with and explicitly traverse the reason for rejecting the claims.

With reference to Figure 7, which is referred to by the Office Action, applicant submits that Vamparys teaches the use of different filtering engines that may be used to provide a recommendation based on the type of filtering (e.g., content, collaborative, filtering, etc.). The recommendation of each of the types of filtering is weight adjusted and the recommendation engine "can aggregate the results of the different filtering engines to a single list of program recommendations."

Vamparys further teaches that the content and collaborative filterings are complementary (see page 17, lines 16-17, "[t]hese two algorithms respectively have proved to be well adapted to item recommendation and are complementary.") and further teaches that "[c]ollaborative filtering has proven useful for movie, book, music or documentaries, Content filtering has powerful availability with news, sport, people and all strongly categorized items." (see page 17, lines 11-12).

Vamparys further teaches that the coefficients for adjusting the recommendations from each filter engine can be adjusted based on the type of filtering "because a filtering engine can be better adapted to one content category than another content category." (see page 16, lines 6-8).

Hence, Vamparys teaches a recommendation engine that provides for developing a plurality of recommendations (see Figure 7) and then **cooperatively using** ("aggregate the results") each of the provided recommendations to determine a single list of programs, while allowing greater weight for one recommendation over another dependent upon the content category. .

Contrary to the statements made by the Office Action that it would be obvious to combine the teachings of Vamparys and Henricks to develop a system for selecting a higher ranking recommendation, one skilled in the art would not look to combine the **competitive** selection feature of Henricks with the **cooperative feature** of Vamparys to alter the recommendation determination process to select a higher ranked recommendation.

MPEP §2143.01 "The Proposed Modification cannot change the Principles of Operation of a Reference" provides appropriate instruction as to why the combination of Vamparys and Henricks fails to render obvious the teaching of the subject matter recited in the independent claims.

"[i]f the proposed modification or combination of the prior art would change the principles of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious " In re Ratti. (citation omitted).

In this case, even if the teachings of Henricks were combined with those of Vamparys, the combination alters the manner in which a recommendation is developed by Vamparys as Vamparys teaches building a recommendation from each of the individually provided weighted recommendations and not to select only one weighted recommendation over another. In fact, Vamparys specifically teaches that the filtering methods are complementary and provides no teaching to select one recommendation over another as each filtering method has its own advantages for the type of material being evaluated.

Accordingly, the subject matter recited in independent claim 1, for example, is not rendered obvious by the combination of Vamparys and Henricks as the combination would alter the principles of operation of Vamparys and, is not sufficient to render the claims obvious.

For at least this reason, applicant submits that the rejection of the claim has been overcome and respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in

rejecting claim 1 and are also not patentable for the same arguments made with regard to claim 1.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Additionally, applicant does not believe that the Vamparys reference was mischaracterized in response to the rejection of the claims in the prior Office Action, as the prior Office Action refers to page 17, line 25-page 19, line 1 for teaching the step of matching one or more program characteristics information against viewer characteristics in order to generate **recommendations** (emphasis added). Page 17, line 25-page 19, line 1 describe the processing shown in Figure 8 and as characterized in applicant's prior response. Applicant believes that the description of the Vamparys reference accurately represents the teachings shown in Figure 8 of Vamparys and that Vamparys discloses only a single recommendation from the content engine that is provided to the recommendation engine.

Claim 21, 25, and 26 stand rejected under 35 USC 103(a) as being unpatentable over Vamparys in view of Jacobi and Hendricks and further in view of Applicant's admitted prior art (AAPA).

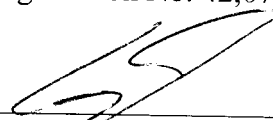
Claims 21, 25 and 26 dependent from one of the independent claims, and as shown above, the independent claims include subject matter not disclosed by the combination of Vamparys, Jacobi and Hendricks. The additional reference cited (AAPA) fails to provide any teachings to correct the deficiencies found to exist in Vamparys, Jacobi and Hendricks.

For at least this reason, the aforementioned claims are allowable by virtue of their dependence from an allowable base claim. Applicant respectfully requests withdrawal of the rejection.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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